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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,828	12/22/2005	Jeffrey B. Stock	18016-20	2870
530 7590 12/07/2009 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090				
EXAMINER YANG, NELSON C				
ART UNIT		PAPER NUMBER		
1641				
MAIL DATE		DELIVERY MODE		
12/07/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,828

Applicant(s)

STOCK, JEFFRY B.

Examiner

Nelson Yang

Art Unit

1641

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's cancellation of claims 63, 2-7, 9-10, 28-29, 32, 24, 54, 58, 64-72 is acknowledged and has been entered.
2. Applicant's amendment of claim 73 is acknowledged and has been entered.
3. Claim 73 is currently under examination.
4. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 73 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blau et al. [US 2002/0048778] in view of Williams [Williams et al., Functional similarities among two-component sensors and methyl-accepting chemotaxis proteins suggest a role for linker region amphipathic helices in transmembrane signal transduction, 1999, Molecular Microbiology, 33(6): pp.1093-1102].

In particular, with respect to claim 73, Blau et al. teach an invention for detection of interaction in living cells (abstract) comprising fluorescein and rhodamine labeled EGF along with phycoerythrin labeled antibodies (sensing and signaling moieties) is added to cells for in

order to detect interaction of fluorescently-labeled molecules within a cell or cell membrane using fluorescence energy transfer, which allows for the monitoring and quantitation of interactions in the cell (see entire patent). Blau et al., however, do not teach the use of methyl-accepting chemosensory receptors or a portion thereof.

Williams et al., however, teach that two-component sensors and methyl-accepting chemotaxis proteins modulate specific phosphoryl relay systems that couple environmental signals to appropriate cellular responses (p.1093, col.1-2). Williams et al. further teach that the sensors are able to detect periplasmic signal binding with subsequent conformational changes being transduced by transmembrane signal transduction (p. 1093, col.1), and are capable of response to, or modulation by different analytes such as ArcB, FixL_{Rms}, KdpD, and VirA_{At} (p.1094, col.2), wherein the sensing moieties and signal moieties are part of the same multimolecular complex connected by linker regions (p. 1094, col.1, fig.1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have substituted the sensors and methyl-accepting chemotaxis proteins of Williams in the device of Blau et al. to detect interaction in living cells such as E.coli that are based on environmental signals that modulate signal transduction such as protein-kinase activities.

Response to Arguments

7. Applicant's arguments filed December 2, 2009 have been fully considered but they are not persuasive. With respect to applicant's argument with respect to claim 73, the limitation of original claim 73 and present in currently amended claim 73 has been addressed.

However, since the claim was not specifically addressed originally, the finality of the action has been withdrawn.

Conclusion

8. No claims are allowed.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson Yang whose telephone number is (571)272-0826. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Shibuya can be reached on (571)272-0806. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nelson Yang/
Primary Examiner, Art Unit 1641